

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KAREEM J. HOWELL,

Plaintiff,

v.

J. MOKHTAR, et al.,

Defendants.

No. 2:22-cv-00842 WBS SCR P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action under 42 U.S.C. §1983. Plaintiff filed a motion for summary judgment on August 1, 2024, which is fully briefed. (ECF No. 52.) On December 20, 2024, defendants filed their motion for summary judgment. (ECF No. 70.) Plaintiff has not responded to this motion. The parties met for a court-ordered settlement conference on February 3, 2025, but did not settle. (ECF No. 73.)

Pursuant to the court's Discovery and Scheduling Order, defendants' motion for summary judgment shall be briefed in accordance with Local Rule 230(l). (ECF No. 51 at 6, ¶ 8.) Rule 230(l) states that opposition to a motion must be filed "not more than twenty-one (21) days after the date of service of the motion." The rule further states that "[f]ailure . . . to file an opposition or a statement of no opposition may be deemed a waiver of any opposition to the granting of the motion and may result in the imposition of sanctions."

1 More than twenty-one days have passed since defendants served their motion and plaintiff
2 has not filed a response or any other documents. Plaintiff will be ordered to file a response to the
3 motion and a statement explaining why he was not able to do so in a timely manner. If plaintiff
4 fails to file a response to the motion or fails to show good cause for his failure to file it on time,
5 this court will deem the failure a waiver of any opposition to defendants' motion.

6 Accordingly, IT IS HEREBY ORDERED that within twenty-one (21) days of the date of
7 this order, plaintiff shall file the following:

- 8 1. A response to defendants' motion for summary judgment that complies with Federal
9 Rule of Civil Procedure 56 and Local Rule 260.
- 10 2. A response to this order explaining why plaintiff was unable to file a timely response
11 to defendants' motion for summary judgment.

12 DATED: February 11, 2025

13
14 
15 SEAN C. RIORDAN
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28